IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.39806 of 2008
BIRJU PASWAN ….. PETITIONER
Versus
THE STATE OF BIHAR ….. OPP. PARTY
For the petitioner: - Sri A.C. Jha, Advocate
For the O.P. : - Sri D. Mehta, APP
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2. 20.10.2008 Heard Sri A.C.Jha, Advocate for the petitioner and Sri D. Mehta, Additional Public Prosecutor for the State.

The petitioner is in custody in a case under Section 395 of the IPC since 12.3.2007 without being put on TIP or being named in the FIR. No recovery of any theft property is also the contention. Besides, the contention is that the confessional statement of a co-accused could not be a basis of the remanding the petitioner to custody.

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Let petitioner Birju Paswan be released from custody on furnishing a bond of Rs.3,000/- (three thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge V, Patna in connection with Sessions Trial No. 1144 of 2007 arising out of Patna GRPS Case No. 223 of 2005 (G. R. No. 314 of 2005).

DKS/ **(Dharnidhar Jha, J)**